



## U.S. Department of Justice

United States Attorney  
Southern District of New York

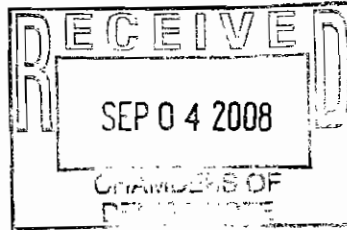
**MEMO ENDORSED**

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

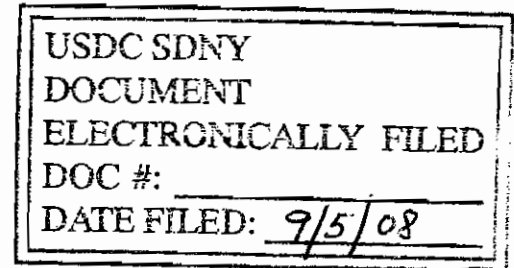
September 3, 2008

**BY HAND DELIVERY**

The Honorable Denise L. Cote  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007



Re: *United States v. Jordan*,  
S2 08 Cr. 124 (DLC)



Dear Judge Cote:

I write on behalf of the parties to confirm the parties' agreement regarding severance in the above-captioned case, as discussed with Your Honor's courtroom deputy yesterday. The parties have agreed that Counts Four through Ten of the operative second superseding Indictment (the "Indictment"), which charge the defendant with fraud and identity theft offenses (collectively, the "Fraud Counts"), will be severed from the remaining counts of the Indictment. The trial scheduled for October 6, 2008, will address Counts One through Three of the Indictment (collectively, the "Threat Counts"), which charge the defendant with violations of Title 18, United States Code, Sections 875, 878, and 2261A, and Counts Eleven and Twelve of the Indictment (collectively, the "Tampering Counts"), which charge the defendant with violations of Title 18, United States Code, Section 1512(b). The parties anticipate that trial on the Threat Counts and Tampering Counts will last up to three weeks. The parties anticipate that a subsequent trial on the Fraud Counts will last up to two weeks. The parties are available to try the Fraud Counts in January 2009.

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I also write to request that time be excluded under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(8)(A), until the date scheduled by the Court for trial on the Fraud Counts. The ends of justice served by such continuance outweigh the interest of the public and the defendant in a speedy trial because the continuance will allow the parties to prepare for the second of two trials in this complex matter. Counsel for the defendant consents to this request on behalf of the defendant.

Respectfully submitted,

MICHAEL J. GARCIA  
United States Attorney  
Southern District of New York

By:



Howard S. Master  
Assistant United States Attorney  
212-637-2248

cc: Julia Gatto, Esq., Federal Defenders of New York

*The trial of the severed counts will be held  
on January 26, 2009. Upon the parties consent,  
and for the reasons stated herein, time is  
excluded on those counts until then.  
18 USC § 3161(h)(8)(A).*

*Denise Cote*  
*September 5, 2008*